

CITY COUNCIL MINUTES
October 27, 2014

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, October 27, 2014 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President John Friend presiding and conducting the following business.

This is not a verbatim transcript. Audio recordings of this meeting are on file in the City Clerk's Office.

President Friend: The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

ROLL CALL:

Present: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: With nine (9) members present and nobody (0) absent, we have a quorum for tonight's meeting which shall be officially opened.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance, Dr. Adams.

President Friend: Okay, well welcome to this meeting on October the 27th, 2014 of the Common Council.

RECOGNITION OF SCHOOLS

President Friend: Do we have any...

Councilman Adams: I think they've left.

President Friend: They left? Why do they...?

City Council Attorney Danks: *(Off Mic)* We have a gentleman here from Ivy Tech.

President Friend: Yeah, from Ivy Tech.

Councilman Adams: Wiser heads prevail.

President Friend: Yes, yes. May I ask who you are? Ivy Tech? And your name?

Reginald Overtree: Reginald Overtree.

President Friend: Reginald Overtree. Yes, thank you Reginald, coming out. Man fortitude, all the way. I love it. There you go.

Teen Advisory Committee? I guess we don't have that either. All right.

COUNCIL ATTORNEY

We like to than Scott Danks for joining us tonight.

SERGEANT AT ARMS

Our Sergeant at Arms is Officer Smith. Thank you for being patient over there sir. Thank you so much.

APPROVAL OF MINUTES

President Friend: I need a motion to approve the minutes for the 13th of October of the Common Council.

Councilwoman Mosby: So moved.

President Friend: I had a motion made by Councilwoman Robinson and seconded by...

Councilwoman Robinson: *(Off Mic)* It was Councilwoman Mosby.

President Friend: Mosby. I...hard of hearing. I had a *(Inaudible)*. Sorry about that. Please excuse me. Sorry about that.

Okay, ayes? Nays? *(Unanimous Ayes)* It goes forth.

REPORTS AND COMMUNICATIONS

IN YOUR OCTOBER 24th PACKET:

- * City Council Meeting Agenda and Committee Meeting Schedule for October 27, 2014
- * Ordinances F-2014-20 and G-2014-28 Amended
- * Resolutions C-2014-32 Amended, C-2014-33 and C-2014-34
- * Legal Aid Society of Evansville Non-City/County/United Way Funds Report of September 2014 and Statistics Report
- * Weights and Measures September - October Report
- * Evansville Redevelopment Commission October 7, 2014 Meeting Minutes
- * August 2014 Financial Report

EMAILED MATERIAL:

- * City Council Meeting Minutes for October 13, 2014
- * Evansville - Vanderburgh County Advisory Board on Disability Services Letter re: Proposed 2015 Budget Cuts and the 2015 Council Appointment

* Extended Agenda

- President Friend:** Is there a motion to receive and file and make these reports and communications...

President Friend:...a part of this meeting.

President Friend: I had a motion made by Councilwoman Mosby and seconded by Councilman O'Daniel. Ayes? Nays? *(Unanimous Ayes)* That goes forth.

FIRST READING OF ORDINANCES AND RESOLUTIONS

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriation of Funds for Various City Funds

A Resolution of the Common Council of the City of Evansville Ratifying the 2015-2019 Consolidated Housing & Community Development Plan, the 2015-2019 Analysis of Impediments to Fair Housing Choice, and the 2015 Annual Action Plan

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for Property Tax Phase-In for the Construction of Real Property and Installation of New Equipment - Mead Johnson & Company, LLC

President Friend: Is there a motion to adopt the Consent Agenda as written?

Councilwoman Brinkerhoff-Riley: So moved.

President Friend: I had a motion by Councilwoman Brinkerhoff-Riley, seconded by....

Councilman O'Daniel: Second.

President Friend: Okay, by Conor. Okay, ayes? It goes forth.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2014-15

APC

C-4 to C-3

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 500 Court Street

Petitioner: The Housing Authority of the City of Evansville

President Friend: Yes Krista, come up. We know who you are but state it anyway.

Krista Lockyear: Thank you, thank you. Krista Lockyear on behalf of Evansville Housing Authority and I have Tim Martin, the Executive Director of the Housing Authority as well.

We're seeking a downzoning of the property at 500 Court Street to allow the Housing Authority to proceed with some renovations for a senior housing project at this property. It's currently zoned C-4 and you're not allowed under our zoning ordinance to have apartment or any residential use in a C-4 zoning so we come to you for this downzoning.

The plan for this project is for a senior housing project to be called Evansville Senior Lofts. This will be funded in part by low-income housing tax credits and will include the approximately 14 or 15 units at the Court Street location as well as new construction at 10th and Oak, and there should be about 65 total units in the whole project.

They will be accessible or adaptive to comply with the ADH plan, both at the Court Street property as well as at the new construction, obviously; it goes without saying.

We do need to move forward with this so we can get the application to the Indiana Finance Authority to try and acquire these housing credits. I'd be happy to answer any questions.

President Friend: What's the parking for this? How you going..

Krista Lockyear: The parking for these particular units will be there at Court Street, and then the parking will be independent at the other location.

President Friend: Okay.

Councilwoman Robinson: So without the tax credits would this project still go forward?

Housing Authority Executive Director Martin: No.

President Friend: Is there any other questions from members on Council? Anybody from the audience that is for or maybe against this?

Councilwoman Robinson: *(Off Mic)* Move to adopt.

Councilman O'Daniel: *(Off Mic)* I second that.

President Friend: Had a motion made by Councilwoman Robinson and seconded by Councilman O'Daniel. Madam Clerk, please call the roll as it relates to R-2014-15.

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: With nine (9) ayes and zero (0) nays, Ordinance R-2014-15 is hereby on the books.

Krista Lockyear: Thank you. Have a good evening.

Housing Authority Executive Director Martin: Thank you.

President Friend: Thank you so much.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2014-18

APC

C-4 to C-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 2131 W. Franklin Street

Petitioner: K.D.E. Properties, LLC

Ken English: Ken English. I'm changing my zoning for C-4 to C-3 to put an apartment in.

Councilman O'Daniel: *(Off Mic)* Is it C-3 or C-2?

President Friend: C-2.

Ken English: Actually, it is C-2.

Councilman O'Daniel: *(Off Mic)* What's it currently used as? *(Mic On)* I'm sorry. What's it currently used as?

Ken English: Well, it's not used as anything really. It's just the second floor of a building I bought last year. The bottom is used as a nightclub.

Councilman O'Daniel: I'm sorry?

Ken English: The bottom floors are used as a nightclub.

President Friend: Do we have any questions from...okay *(Inaudible)*. Anybody in the audience for or against this?

Councilman Weaver: *(Off Mic)* I make a motion.

President Friend: With that I...

Councilwoman Mosby: Second.

President Friend:...entertain a motion for R-2014-18 and I had a motion made by Councilman Weaver and seconded by Councilwoman Mosby. Please call the roll as it relates to R-2014-18.

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: Nine (9) ayes, zero (0) nays, you got it.

Ken English: Thank you.

President Friend: This R-2014-18 is hereby declared adopted.

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2014-27

FINANCE

McGINN

An Ordinance Designating an Economic Development Target Area (bounded by Green River Rd., Washington Ave., Erie Ave., and Monroe Ave.)

ORDINANCE G-2014-28 AMENDED A.S.D. ADAMS

An Ordinance Concerning Confidential Investigation Funds (So Called "Buy" Money)

ORDINANCE F-2014-12 FINANCE COUNCIL AS A WHOLE

An Ordinance of the Common Council of the City of Evansville, Indiana Fixing the Salaries of Elected Officials for the City of Evansville, Indiana for the Year 2015

ORDINANCE F-2014-16 AMENDED FINANCE O'DANIEL

An Ordinance of the Common Council of the City of Evansville, Indiana Appropriating Monies for the Purpose of Defraying the Expenditures of Departments of the City Government for the Fiscal Year Beginning January 1, 2015

ORDINANCE F-2014-19 FINANCE O'DANIEL

An Ordinance of the Common Council of the City of Evansville, Indiana, Authorizing the Issuance of the City of Evansville, Indiana, Economic Development Tax Increment Revenue Bonds in a Maximum Aggregate Principal Amount Not to Exceed One Million Five Hundred Thousand Dollars (\$1,500,000) and Approving and Authorizing Other Actions in Respect Thereto

RESOLUTION C-2014-31 FINANCE McGINN

A Resolution of the Common Council of the City of Evansville Confirming the Property Tax Phase-In for Redevelopment/Rehabilitation of Real Property (HK Partners, LLC 5011 Washington Avenue, Evansville, Indiana)

RESOLUTION C-2014-32 AMENDED A.S.D. BRINKERHOFF-RILEY

Resolution of the Common Council of the City of Evansville, Indiana, Approving Certain Amendments to the Plan for the Jacobsville Redevelopment Area

COMMITTEE REPORTS:

A.S.D. COMMITTEE:

CHAIRMAN ADAMS

Chairman Adams: Mister President, your A.S.D. Committee met this evening to hear *Ordinance G-2014-28 Amended and Resolution C-2014-32 Amended*. They both come forward with a do-pass recommendation.

FINANCE COMMITTEE:

CHAIRMAN O'DANIEL

Chairman O'Daniel: Mister President, your Finance Committee met this evening to hear *Ordinances F-2014-12, F-2014-16 Amended, F-2014-19, G-2014-27 and Resolution C-2014-31*. All come forward with do-pass recommendations.

President Friend: Thank you. Is there a motion to adopt the Committee Reports and move the Ordinances and Resolution to the Third Reading?

Councilman O'Daniel: So moved.

President Friend: Motion made by...

Councilwoman Mosby: Second.

President Friend: Motion made by Councilman O'Daniel and seconded by Councilwoman Mosby. Ayes? Nays? (*Unanimous Ayes*) That goes forth.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2014-27

FINANCE

McGINN

An Ordinance Designating an Economic Development Target Area (bounded by Green River Rd., Washington Ave., Erie Ave., and Monroe Ave.)

President Friend: Okay, is there a motion to adopt Ordinance G-2014-27?

Councilwoman Mosby: So moved.

President Friend: Had a motion made by Councilwoman Mosby and seconded by...?

Councilman McGinn: Second.

President Friend: By Councilman Dan McGinn. Please call the roll as it relates to G-2014-27.

Comment made prior to casting her vote:

Councilwoman Brinkerhoff-Riley: I had previously not supported this but Dan changed my mind so I vote aye.

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: Nine (9) ayes, zero (0) nays, Ordinance G-2014-27 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2014-28 AMENDED A.S.D.

ADAMS

An Ordinance Concerning Confidential Investigation Funds (So Called "Buy" Money)

President Friend: Okay, is there a motion to adopt the Ordinance G-2014-28 Amended.

Councilman O'Daniel: So moved.

Councilwoman Mosby: Second.

President Friend: I had a motion by Councilman O'Daniel and seconded by Councilwoman Mosby. Please call the roll with G-2014-28 Amended.

Comment made prior to casting his vote:

Councilman O'Daniel: I just want to say this is a response to the State Board of Accounts. They had indicated this was a deficiency for a number of years and so we took their note and I'm glad Ted wrote this up and so I vote aye.

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: Nine (9) ayes, zero (0) nays, G-2014-28 Amended is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2014-12

FINANCE

COUNCIL AS A WHOLE

An Ordinance of the Common Council of the City of Evansville, Indiana Fixing the Salaries of Elected Officials for the City of Evansville, Indiana for the Year 2015

President Friend: Okay, is there a motion to adopt F-2014-12.

Councilman McGinn: So moved.

Councilman Lindsey: Second.

President Friend: I have a motion by Councilman Dan McGinn seconded Councilman Lindsey. Please call the roll with F-2014-12.

ROLL CALL:

Ayes: McGinn, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Friend

Nays: Mosby, Robinson, Weaver

President Friend: There's six (6) ayes and three (3) nays, Ordinance F-2014-12 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2014-16 AMENDED

FINANCE

O'DANIEL

An Ordinance of the Common Council of the City of Evansville, Indiana Appropriating Monies for the Purpose of Defraying the Expenditures of Departments of the City Government for the Fiscal Year Beginning January 1, 2015

President Friend: Is there a motion to adopt Ordinance F-2014-16.

Councilman McGinn: So moved.

President Friend: Motion by Councilman McGinn, seconded by...?

Councilman Mosby: Second.

President Friend: Seconded by...

Councilman Adams: I'll *(Inaudible)* a second because I think we need a vote.

President Friend: *(Inaudible)*

Councilman Adams: I'll second it if you like.

President Friend: *(Inaudible)* I think Missy...Missy.

Councilman Adams: I apologize.

President Friend: Well now she...she...

Councilman Adams: Didn't realize that. I was *(Inaudible)*.

President Friend: Seconded by Councilwoman Mosby. Thank you. Thanks Doc. Doc, appreciate it. For motion on Ordinance F-2014-16, please call the roll.

Comments made prior to casting their respective votes:

Councilman Adams: This has been an arduous thing and I think I would love for the Administration...Russ, I'm sorry...Russ, hello, I would love for you to prepare a monthly paper that you did so well for us so that we all, for the next year, can track exactly how we're doing because, you know, this is kind of an important thing. I don't...this is...this budget isn't perfect but I think we've worked hard and I vote yes.

President Friend: Yeah, I would have to say this has been a...a quite an adventure in the budgeting, I will say that. I guess what I really concerned about is not any one particular budget, really, breaks a...a city. It really, truly doesn't. If we look at the way we're going, we've had three straight years of eight million-plus dollars of negative spending; *(Inaudible)* at least that's what all the financial statements are indicating and it's a money issue. You know, I'd like to see a show of hands out there to see people like to see their taxes increased cause that's what we're heading to. There's no way around this. Yeah, eventually we're going have to raise...don't be shaking your head. That's what Detroit, Michigan once said.

Unidentified Speaker: *(Off Mic)* Rubbish.

President Friend: That's what they all said. Sooner or later Detroit one time, three...three or four decades ago, they...they were rolling. And that's how this stuff works and so we just got to...we just got to...we just got to get things in line. With that, I vote no.

ROLL CALL:

Ayes: McGinn, Mosby, Adams

Nays: Brinkerhoff-Riley, Robinson, Lindsey, O'Daniel, Weaver, Friend

Councilman Adams: So what is the vote?

City Clerk Windhorst: Three ayes, six nays.

Councilman O'Daniel: *(Off Mic)* No budget.

Unidentified Speaker: *(Off Mic)* No budget?

Councilman O'Daniel: *(Off Mic)* No budget. Next.

President Friend: Well with that, the Ordinance F-2014-16 is denied.

Regular Agenda, Third Reading...

Councilman Adams: Well hold on a second. I'd just like to know where we're going with this...

Councilwoman Brinkerhoff-Riley: Yes.

Councilman Adams:...now that we've denied a budget we have to...

President Friend: Well I guess we have to get back with *(Inaudible)* to see what they want to do about it.

Councilman Adams: Okay, thank you.

President Friend: Yeah I *(Inaudible)* well I don't know. You *(Inaudible)*
Speaking Simultaneously

Councilman Adams: *(Inaudible)*

President Friend: I'll refer that to our counsel.

Councilman Adams: We need some education.

City Council Attorney Danks: Well, you know, these things...I'd like to have a little bit of time to research 'em so I can give you a correct answer.

Laughter

But I was trying to do that just a moment ago, not knowing what this vote might be, but it appears to me that the mayor can file another budget ordinance and he can do that on an emergency basis so we don't have to have a First Reading then a Second and Third later. And I suspect the Council could call a special meeting if the Council believes that would be prudent to do so, but as of now, they revert back to the prior year's budget.

Councilman Adams: Well I'm a little confused. We worked our butts off for about two months to get an extra six hundred grand out of the squeeze at the lemon one more time, and that was voted down, and yet now we're voting down the budget as of...without the six hundred. Okay, I just got one vote.

President Friend: Well, okay.

City Controller Lloyd: I mean the Administration can bring you back another amended budget. I think the vote would have to be under 48 hours advertisement I would assume.

Unidentified Speaker: *(Off Mic)* I think you're right.

President Friend: Well it looks like Halloween. What are you doing?

City Controller Lloyd: And then...

Councilman Adams: I'm not giving out candy I can tell you that.

City Controller Lloyd: You know the mayor has a provision; he could call a special Council meeting or the president of the Council could call a special meeting. But anyway, they need to be turned into the State by Monday, November 3rd.

City Council Attorney Danks: *(Off Mic)* I believe Saturday is the deadline.

Councilman O'Daniel: *(Off Mic)* November 1st; that probably *(Inaudible)*.

City Controller Lloyd: Yeah because it falls on a Saturday.

President Friend: Saturday *(Inaudible)*.

City Controller Lloyd: It'd go to Monday. Okay.

Councilman O'Daniel: *(Off Mic)* Page 12.

President Friend: Well with...

Councilwoman Robinson: *(Off Mic)* Mr. Schaefer *(Inaudible)*.

Chief of Staff Schaefer: *(Off Mic)* *(Inaudible)*
Speaking Simultaneously

President Friend: Oh I'm sorry. Yeah, yeah.

Chief of Staff Schaefer: *(Off Mic)* A quick question regarding the budget. *(Mic On)* So was the...was the salaries approved?

Councilman Adams: *(Off Mic)* Yes.

Chief of Staff Schaefer: The...okay, but the budget wasn't?

Councilman Adams: *(Off Mic)* That's right.

Chief of Staff Schaefer: Okay, just want to clarify.

Councilman Adams: *(Off Mic)* You can text me.

President Friend: Okay, with that I guess I'm up to Third Reading of Ordinances and Resolutions. This will be the F-2014-19.

City Clerk Windhorst: Yeah.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2014-19

FINANCE

O'DANIEL

An Ordinance of the Common Council of the City of Evansville, Indiana, Authorizing the Issuance of the City of Evansville, Indiana, Economic Development Tax Increment Revenue Bonds in a Maximum Aggregate Principal Amount Not to Exceed One Million Five Hundred Thousand Dollars (\$1,500,000) and Approving and Authorizing Other Actions in Respect Thereto

President Friend: Is there a motion to adopt Ordinance F-2014-19?

Councilman O'Daniel: So moved.

Councilwoman Robinson: Second.

President Friend: I had a motion made by Councilman O'Daniel and seconded by Councilwoman Robinson. Madam Clerk, please call the roll with F-2014-19.

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: With nine (9) ayes, zero (0) nays, F-2014-19 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2014-31

FINANCE

McGINN

A Resolution of the Common Council of the City of Evansville Confirming the Property Tax Phase-In for Redevelopment/Rehabilitation of Real Property (HK Partners, LLC 5011 Washington Avenue, Evansville, Indiana)

President Friend: Is there a motion to adopt Resolution C-2014-31.

Councilman O'Daniel: So moved.

President Friend: Had a motion made by Councilman O'Daniel...

Councilwoman Mosby: Second.

President Friend:...and seconded by...by Councilwoman Mosby. Please call the roll as it relates to Resolution C-2014-31.

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2014-32 AMENDED A.S.D. BRINKERHOFF-RILEY

Resolution of the Common Council of the City of Evansville, Indiana, Approving Certain Amendments to the Plan for the Jacobsville Redevelopment Area

President Friend: Is there a motion to adopt Resolution C-2014-32 as Amended?

Councilman Adams: So moved.

President Friend: Had a motion made by Councilwoman...was it...oh...

City Clerk Windhorst: Adams.

President Friend: Oh Adams? Okay, and seconded by...? Who?

Councilman O'Daniel: I'll second it.

President Friend: Okay, seconded by Conor. Okay, please call the roll with Resolution C-2014-32 as Amended..

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: Nine (9) ayes, zero (0) nays, Resolution C-2014-32 Amended is hereby declared adopted.

MISCELLANEOUS BUSINESS

President Friend: There will not be a meeting next Monday evening.

Councilman Adams: There may be.

President Friend: And there might be. *Laughter* You know and...you know. Stay tuned folks.

Okay, the next Council meeting, if that doesn't happen, will be May the November...excuse me, Monday on November the 10th at 5:30. We're at this particular room and the meeting...the Committee Meetings will start at 5:10.

Now Allen, you've been so patient. Come up here to talk about...

City Controller Lloyd: Quick...

President Friend:...about this rep...yes?

City Controller Lloyd: A quick point of information. I have the Levee budget, which has previously been approved but I need you guys to sign it. And then the City Budget Resolution that you voted down, there's a place mark Aye or Nay. If you could sign that cause this is for this night. And then we've got the Port Authority budget so I'll give those to the Clerk for...

President Friend: Okay.

City Controller Lloyd: But don't leave before you sign your budget forms. Thank you.

President Friend: Okay, yes Allen.

Councilman Adams: Pass it along.

President Friend: Yeah. Thank you Allen, for being patient.

Water & Sewer Utility Director Mounts: Sure. My comments will be brief. Just to refresh the Council's memory they asked for quarterly updates for a major project called Smart City 2.0 that involves water meter replacements and significant...a couple of significant projects at our wastewater treatment plants, etc.

At the last meeting, Councilman Adams requested to have those who are doing the work to do the presentation so I'm going to hand that over to them tonight. They're two individuals I'll introduce to you. First one is Steve Capin. Steve is the Construction Manager for this project and is involved with all the day-to-day activities and he has a brief presentation for you. Following Steve's presentation, we have our independent accounting representative here this evening, a gentleman by the name of Rand Gambrell. Rand is with BKD; it's a national accounting firm. Rand has his CPA as well as has certifications as a fraud examiner and a certification in financial forensics. In addition, has done significant amount of work in the construction industry so he's well versed in this type of project and he'll bring...once Steve has finished his comments then Rand will come up and give the Council an update from his perspective and his involvement with the project since the beginning.

W&S Utility Maintenance Supervisor Capin: Good evening Council, my name is Steve Capin and I'm the Construction Manager for the Water & Sewer Utility for the Johnson Controls project, like Allen mentioned. Joining me today, other than Rand that he had mentioned, there

are two representatives from Johnson Controls. If you have any questions of those guys just feel free to ask 'em.

You should have this handout in front of you. I'll go over it pretty brief; I know it's been a long night so I don't want to bore you with a bunch of little details.

Page 1 on the Contingency Funds: This project started out with three...over three and a half million dollars-worth of contingency allowance in it and we've been very prudent in spending and the water meter side of the project has only spent \$65,000 and on the sewer side we've spent \$576,000 on...combined, we have a total of \$2,869,000 still available for what-ifs, issues that may arise that were unexpected by the project.

If you turn to Page 2, it's basically the meter portion of the project. It does total quantities in any of the contract documents, as you can see. I'm not going to read off all the sizes and quantities but out of approximately 65,000 meters, we're 28,000 into it so we're about 44 complete...44% complete on the meter side.

On Page 3 is the treatment plant improvements and there's a variety of individual projects, many of which are 100% complete at this time. The two biggest ones are the Fats, Oils & Grease (FOG) project and the Centrifuge Dewatering.

I'm kind of jumping ahead and I can explain a little bit about each one of these projects if you go the pictures. Looking at pictures #2 and #3 are the east and west wastewater treatment plant primary clarifier gates and there's about 24 gates at each, east and west plant. These gates are able to actuate, open and close, and fluctuate as the volume flow into the plant where previously it was all just a manual operation.

Picture #4 is a picture of FOG in the septic receiving stations with to the right of it is that vessel in that little building. This is the gas conditioning equipment. This is where the haulers are delivered to the plant, unload their material into the 13,000-gallon underground storage tank that you can't see, and it's behind the two small buildings.

Inside each one of the small buildings is a...and if you go to picture #5, it's the receiving station's rock trap, grinder, and flow meter. They're both in separate weather proofed enclosures, protected from the elements.

Going to Page 6 is the gas-conditioning skid. This equipment will clean and scrub the digester methane gas in the plant, convert it to our biofuel and will burn it in our new engine generators that were installed.

Page 7 is the insides of the gas-condition equipment. You can see how complicated all the piping, electrical components are in that thing.

Pages 8 and 9 are some transfer pumps and mixing pumps located in the building of...basement of the building, digester control building #82. Two pumps are designated for continuous mixing while the other two are used for transferring of FOG materials to the digesters.

And pictures #10 and #11 are the dewatering centrifuge. This was the state of the project, it's 100% complete. This was the Energy Systems Group side of the project. The design was made by American Structure Point with the installation by Bowen Engineering. The centrifuge processes anaerobically digests liquid sludge at a rate of 250 gallons a minute with the solids content of 28%, compared to the existing filter process they are using now which is currently getting about 18% solids. So it's more efficient, it's producing better cake and better quality and it'll, in the long run, it'll be less hauling cost to get rid of it.

And finally, the last two pictures are the co-generation engines. These two engines are eight-cylinder methane engines capable of producing 280 kilowatts of power. One engine being dedicated to supply power to the blower building for the aeration process, and the second engine's power to be dedicated to the head-works building where the large influent flow pumps are located. These two areas of the plant are the largest energy users that we have so we're going to generate our own power; we're going to send it to those portions of the plant then and get the most benefit out of it.

That's basically all I have as an update. I'll probably be back in February of 2015 to give you an update again and...

Councilman Adams: Sir?

W&S Utility Maintenance Supervisor Capin: If you have any questions just...

Councilman Adams: I'm hearing from people who work in the area that when you try to put a new meter in the actual pipes that come to the new meter are so fragile by virtue of the age and so forth that there's been a fair amount of breakage with the connection in terms of that to the point even where when people...the water gets turned off and on, some of those are breaking too.

W&S Utility Maintenance Supervisor Capin: That's correct.

Councilman Adams: I imagine that's pretty normal but what percentage are...is that a huge problem or is that a modest problem or...

W&S Utility Maintenance Supervisor Capin: We get about one to three breaks per day and that's, in the percentage, that's 1% to 5% of the total quantities, depending on which portions.

Councilman Adams: You're getting one to three breaks per day out of how many that you're doing?

W&S Utility Maintenance Supervisor Capin: About 200 per day.

Councilman Adams: Really? 200, wow.

W&S Utility Maintenance Supervisor Capin: They average about 200 installs per day.

Councilman Adams: Wow. Thank you.

W&S Utility Maintenance Supervisor Capin: Any further questions?

Councilman O'Daniel: *(Off Mic)* That's a lot lower than what...what may be projected on that contingency, wasn't it?

W&S Utility Maintenance Supervisor Capin: Yes. We're trying to manage it as best we can and I think here since July the 8th we've had 75 total breaks. Before that, off the top of my head, there was around 60, 70, so you know as old as the entire water system is in some of these areas, these water lines are 40, 50, 60 years old and the water piping wasn't designed to provide service for that long. And these valves haven't been operated in who knows when so soon as somebody gets on 'em, turns the key and...they're fragile. It's usually the pipe that breaks, not necessarily the valve, but it does cause some headache with the contractors and the Utility to make some repairs.

I know I went through it pretty quick but, like I said, it's been a long night and you guys have been very patient.

Councilman O'Daniel: *(Off Mic)* When's the projected date...I'm sorry. *(Mic On)* And I may have missed this earlier, when's the projected date of completion on this?

W&S Utility Maintenance Supervisor Capin: The treatment plant work will be completed this year.

Councilman O'Daniel: Okay.

W&S Utility Maintenance Supervisor Capin: Probably the majority of it will be done by the end of this month. We'll spend the next 30 to 60 days testing the start-up. The water meter portion will probably be the summer of 2015 before it's wound-up.

If you have nothing further I'll turn it over to Rand *(Inaudible)* report.

Councilman Adams: Thank you sir.

W&S Utility Maintenance Supervisor Capin: Okay.

Rand Gambrell: Good evening Councilmembers, I appreciate the opportunity to be in front of you tonight and I think we're the last agenda item on a long evening so I appreciate your perseverance. My name is Rand Gambrell. I'm a director of forensics and evaluation services. I'm actually out of BKD's Denver office. In my former life I was an auditor with Ernst and Young and then went to work for a niche litigation and consulting firm that did a lot of receivership work and it was there that I got a lot of experience in construction receiverships; generally where things had gone wrong. Whether it was single family, multi-family, commercial, industrial, but projects where the general contractor had disappeared with a lot of money, the project hadn't been completed, and kind of seen how things go wrong in those situations. And from that experience I'm brought into situations like this, which is, you know, really more of a monitoring kind of position. Just monitoring how is the general contractor or the contractor performing, what is their process for gathering information, how are they billing, is everything kind in accordance with the contract terms, and in a situation like this where we've got a fixed amount of the contract, at that point really your risk is in a couple of areas. One is work simply not be performed, and Steve and his group speak to that. And then have there been any revisions to the contract, change orders, is the contractor trying to push through changes in the contract that are really their responsibility and they're trying to kind of off those costs on the owner.

At this point on the sanitary project, the original old budget, or the amended budget, excuse me, is about 24.5 million. Of that about 20 million has been invoiced, leaving about 4.5 million left to be invoiced on the water side. The original budget was about 12.5 million. Of that, 10.3 has been billed, leaving about 2.2 left to be invoiced.

Really there's been...there's been several change orders but there are two that actually change the amounts of the contracts. The largest one was on the sanitary side. It was about a \$529,000 revision; a receiving station, engine generator, relocation costs that were outside the scope of the original project. And then there's been about a \$4,800 revision, or change order, on the water side.

I'll pause there.

President Friend: Rand, in the process of the procedures, when the work is finished I know there's a...there's going to be an invoice prepared on that. Who determines that the work has been completed? Did you do that?

Rand Gambrell: No.

President Friend: Did somebody else do that?

Rand Gambrell: That would be somebody on the implementation side; Steve or one of his folks.

President Friend: So you would look at their reports, cause they have report, review it. See if it's signed off on, then *(Inaudible)*, then you'll go over to the invoice, see *(Inaudible)* what that would be.

Rand Gambrell: That's correct. I'd rely on the engineering folks to say that truly the work had been done.

President Friend: So when that...when that voucher goes off to the paymaster, at that point in time do you do any backside when he comes in to look that...see the checks...you have a procedure that you do that with?

Rand Gambrell: To close out the project that what the contract was, that the work was performed, that was what was ultimately paid. Any revisions were approved by you folks, which is really just to line everything up at the end, and generally that happens before final payments are made so if there's an issue identified...

President Friend: Do you sample 'em or do you...do you look everyone of 'em?

Rand Gambrell: In this case, because there aren't concerns that there's been, you know, like fraud, I'll use the "f" word, I would probably sample. If we start seeing problems, that's when I expand my scope. There's really only been one project I've been involved in that I looked at the entire population and that was where we truly had a whistle-blower situation.

President Friend: You got Forensics 301.

Unidentified Speaker: That's right.

Rand Gambrell: All right, thank you very much if there aren't any questions.

President Friend: What about those Broncos?

Councilman O'Daniel: What do you think Allen? You think...you think maybe in February? Mid-February or so for another review or...

Water & Sewer Utility Director Mounts: Whatever your wishes are. That'd be a three-month cycle so mid-February would be fine.

Speaking Simultaneously

Councilman Adams: *(Off Mic) (Inaudible)*

Water & Sewer Utility Director Mounts: Yeah.

Councilman O'Daniel: Yeah. And things may be slowing down, you know, around Christmas and the like so I don't know if it makes sense to do it three-months now or push that back to...

Water & Sewer Utility Director Mounts: Plus with the weather conditions...would have more of an impact on the meter side. We're wrapping things up on the treatment plant side so it's primarily going to be meter-related activities from here on out. So whatever your desire is, mid-February is fine. If this format is okay then we'll just continue to repeat the process then.

Councilman O'Daniel: Yeah.

President Friend: Allen, on the FOG initiative, have you been going out to the restaurants, trying to get them to give the waste?

Water & Sewer Utility Director Mounts: We do. We actually have a grease-trap inspector that making the rounds, and where we cite issues then we're working with the restaurants to get those corrected and working through that process so it's still a work in process. There're almost a thousand food establishments out there so it's...it's a bit of effort.

Councilman Adams: Thank you for looking at the FOP trap, grease trap.

Water & Sewer Utility Director Mounts: You're welcome.

President Friend: Thank you Allen.

Okay, is there any additional miscellaneous business? Anybody have anything to say? Yeah, come on up here.

Gordon Dingman: *(Off Mic)* No, I don't need to come up there. You asked that one about...if he willing to...ready to pay higher taxes. Well I am. I've already donated eight thousand bucks; a few more pennies aint going hurt here and there.

President Friend: I want everybody to know we're a 501(c)(3) organization. Any donations will be fully tax deductible.

Gordon Dingman: *(Off Mic)* I don't take *(Inaudible)* anything off on taxes cause I don't think it's the governments' business to know what I do with my money.

Councilwoman Robinson: *(Off Mic)* Me too.

Councilman O'Daniel: Very well.

President Friend: Thank you so much. Appreciate what you do out there by the way, I really do. I think we all do, we all do.

Anybody else? Okay. With that said, Committee Reports, A.S.D. Doc?

COMMITTEE REPORTS FOR THE NOVEMBER 10, 2014 COMMITTEE MEETINGS

A.S.D. COMMITTEE:

Re: **Ordinance G-2014-26**
TABLED TO THE BEGINNING OF NEXT YEAR
Notify: Scott Danks

CHAIRMAN H. DAN ADAMS

Amending Chapter 2.160 Information
Technology of the Evansville Municipal Code

FINANCE COMMITTEE:

Re: **Ordinance F-2014-20**
Time: 5:15 pm
Notify: Russ Lloyd

CHAIRMAN CONOR O'DANIEL

Authorizing Transfers of Appropriations,
Additional Appropriations and Repeal and Re-
Appropriation for Various City Funds

Re: **Resolution C-2014-34**
Time: 5:20 pm
Notify: Chris Kinnett, Growth Alliance

A Preliminary Resolution Declaring and
Economic Revitalization Area for Property Tax
Phase-In for the Construction of Real Property
and Installation of New Equipment
(Mead Johnson Company, LLC)

Re: **Resolution C-2014-33**
Time: 5:25 pm
Notify: Kelley Coures

Ratifying the 2015-2019 Consolidated Housing
and Community Development Plan, the 2015-
2019 Analysis of Impediments to Fair Housing
Choice and the 2015 Annual Action Plan

PUBLIC WORKS COMMITTEE

Nothing scheduled at this time

CHAIRMAN AL LINDSEY

President Friend: You're a lucky man.

ADJOURNMENT

President Friend: Okay, I entertain a motion to adjourn.

Councilman O'Daniel: So moved.

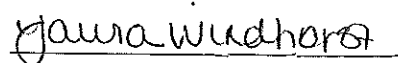
President Friend: Motion made by Councilman O'Daniel. Seconded by...?

Councilwoman Mosby: Second.

President Friend:...by Councilwoman Mosby.

Great, thank you. We are adjourned...*Bang of Gavel*...at a quarter to nine.

Meeting adjourned at 8:41 pm



Laura Windhorst, City Clerk



John Friend, President